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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,552	04/21/2004	Daisaku Okuwaki	OKUWAKI3	5448
7590 09/20/2005			EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 Ninth Street, N.W. Washington, DC 20001			AMARI, ALESSANDRO V	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/828,552

Applicant(s)

OKUWAKI ET AL.

Examiner

Alessandro V. Amari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/9/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention in the specification of the "predetermined identification value" recited in claim 5.

### ***Claim Objections***

2. Claims 5, 8 and 9 are objected to because of the following informalities:  
  
Regarding claim 5, the phrase, "predetermined identification value" is vague and ambiguous and the meaning of this phrase is not apparent.  
  
Claims 8 and 9 appear to be exact duplicates of each other.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Omron JP10-199316.

In regard to claim 1, Omron teaches (see Figures 4, 6) a sheet light emitting apparatus comprising a light guiding plate (22) of a translucent material and including light receiving and light emitting surfaces; a light source (30) disposed to face said light

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receiving surface and a prism structure (35) provided on said light receiving surface, said prism structure including plural kinds of prisms having different apex angles as shown in Figure 6.

Regarding claim 2, Omron teaches that said plural kinds of prisms are disposed alternately and adjacently as shown in Figure 6.

Regarding claim 5, Omron teaches wherein a size and a pitch of arrangement of at least one kind of prism of the plural kinds of prisms provided on the light receiving surface of the light guiding plate are selected so that a space between translucent lights of the prisms is more than a predetermined identification value as shown in Figure 6 and as described in paragraphs 0020-0025 as is understood by the current claim language. Although the prior art does not specifically teach the claimed space between translucent lights is more than predetermined identification value, this feature is seen to be an inherent teaching of the device, since the prisms must provide the space between the translucent lights of the prisms in order for the device to function as intended.

Regarding claims 8 and 9, Omron teaches that a difference between bright and dark portions of illumination light is generally moderated, by the bright and dark portions of light generated in each of the plural kinds of prisms due to operation thereof being complemented with respect to each other as shown in Figure 6 and as described in paragraphs 0020-0025. Although the prior art does not specifically teach the claimed moderation, this is seen as an inherent teaching of the device since the device teaches improving the brightness and evenness of the light and so the moderation must be present in order for the device to function as intended.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omron JP10-199316 in view of Higuchi et al US 5,887,964.

Regarding claim 3, Omron teaches the invention as set forth above but does not further teach a prism sheet disposed to face said light emitting surface.

Regarding claim 3, Higuchi et al teaches (see Figure 1) a prism sheet (4) disposed to face said light emitting surface.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the prism sheet of Higuchi et al in the sheet light emitting apparatus of Omron in order to provide for a luminant surface providing satisfactory visual feeling ("whiteness", "softness", etc.) without increasing the number of parts and also without degrading the level and uniformity of brightness.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omron JP10-199316 in view of Murakami et al US 5,709,447.

Regarding claim 4, Omron teaches the invention as set forth and teaches that said light guiding plate has a surface opposing to the light emitting surface as shown in Figure 4 but does not further teach comprising a reflecting sheet disposed to face the surface of the light guiding plate.

Regarding claim 4, Murakami et al teaches (see Figure 1) a reflecting sheet (25) disposed to face the surface of the light guiding plate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the reflecting sheet of Murakami et al in the sheet light emitting apparatus of Omron in order to improve the quantity of the outgoing light emitted and thus improve the luminance of the apparatus.

***Allowable Subject Matter***

8. Claim 6 is allowed.
9. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 6 and 7 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, the prism structure having the relation claimed as set forth in the claimed combination.

The prior art of record teaches a sheet light emitting apparatus comprising a light guiding plate a light source and a prism structure, said prism structure including plural kinds of prisms having different apex angles. However, the prior art of record does not teach the prism structure having the relation claimed and there is no motivation or teaching to modify this difference as derived.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saigo et al US 5,926,033 teaches a sheet light emitting

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apparatus comprising a light guiding plate, a light source and a prism structure, said prism structure facing the light source. Tsunada JP06-51130 teaches a sheet light emitting apparatus comprising a light guiding plate, a light source and a prism structure, said prism structure facing the light source wherein the prisms have different apex angles as shown in Figure 1.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava:am  
17 September 2005

Alessandro Amari  
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Examiner AU2872